

01/18/02

01-23-02

A

Disciplined Classification  
of this Application:  
Class 514 Subclass 179

Prior Application:  
Examiner R. Travers  
Group Art Unit 1617

Attorney's  
Docket  
No. 44657-AAA-PCT-US/  
JPW

HONORABLE ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

January 18, 2002

S I R:

This is a request for filing a X CONTINUATION

       DIVISIONAL        CONTINUATION-IN-PART application under

X 37 C.F.R. §1.53(b)        37 C.F.R. §1.53(d), of pending prior application

Serial No. 09/469,817 filed on December 22, 1999 of

Joseph R. Berger

Inventor(s)

A METHOD FOR AMELIORATING MUSCLE WEAKNESS/WASTING IN A PATIENT INFECTED WITH  
HUMAN IMMUNODEFICIENCY VIRUS-TYPE 1

Title of Invention

1. X Enclosed is a copy of the prior application, as originally  
filed and an affidavit or declaration verifying it as a  
true copy.

2. X A verified statement to establish small entity status under  
37 C.F.R. §1.9 and 1.27

       is enclosed.

X was filed in the prior application and such status  
is still proper and desired (37 C.F.R. §1.28(a)).

3. X The filing fee is calculated as follows:

CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT

	NUMBER FILED		NUMBER EXTRA*		RATE		FEE	
					SMALL ENTITY	OTHER ENTITY	SMALL ENTITY	OTHER ENTITY
Total Claims	16-20	=	0	X	9	18	= \$ -0-	\$
Independent Claims	2-3	=	0	X	42	84	= \$ -0-	\$
Multiple Dependent Claims Presented:				Yes <u>X</u> No	140	280	= \$ -0-	\$
BASIC FEE							\$ 370.00	\$ 740.00
TOTAL FEE							\$ 370.00	\$

\*If the difference in Col. 1 is  
less than zero, enter "0" in  
Col. 2.

<sup>1</sup> Filing an application pursuant to this section expressly abandons the  
parent application.

JPW U.S. Pat.  
10/052961  
01/18/02

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4. X The Commissioner is hereby authorized to charge payment of the following fees associated with this application or credit any overpayment to Deposit Account No. 03-3125.
- X Any additional filing fees required under 37 C.F.R. §1.16.
- X Any patent application processing fees under 37 C.F.R. §1.17.
- The issue fees set forth in 37 C.F.R. §1.18 at or before mailing of the Notice of Allowance, pursuant to 37 C.F.R. §1.311(b).
5. X Three copies of this sheet are enclosed.
6. X A check in the amount of \$ 370.00 is enclosed.
7.        Cancel claims       .
8.        Amend the specification by inserting before the first line the sentence: --This is a        continuation        division of application Serial No.       , filed        ---
9.               Sheet(s) of        informal        formal drawing(s) is/are enclosed.
10.        Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.
11.        Priority of application No.        filed on        in        (country) is claimed under 37 U.S.C. §119.
- The certified copy of the priority application has been filed in prior application Serial No.       , filed       .
12. X The prior application is assigned of record to BTG Pharmaceutical Corp.
13. X A preliminary amendment is enclosed.
14. X The power of attorney in the prior application is to:

John P. White (Reg. No. 28,678); Norman H. Zivin (Reg. No. 25,385); Thomas F. Moran (Reg. No. 16,579); Ivan S. Kavrukov (Reg. No. 25,161); Christopher C. Dunham (Reg. No. 30,141); Peter J. Phillips (Reg. No. 29,691); Richard S. Milner (Reg. No. 33,970); Matthew J. Golden (Reg. No. 35,161); Albert Wai-Kit Chan (Reg. No. 36,479); Matthew B. Tropper (Reg. No. 37,457); Lewis J. Kreisler (Reg. No. 38,522); Robert T. Maldonado (Reg. No. 38,232).

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- (a)   X   The power appears in the original papers in the prior application.
- (b)        Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- (c)   X   Address all future communications to:  
(May only be completed by applicant,  
or attorney or agent of record.)

John P. White

Cooper & Dunham LLP

1185 Avenue of the Americas

New York, New York 10036

15.   X   Also enclosed Express Mail Certificate of Mailing No.

EJ 700 080 175 US dated January 18, 2002

16.   X   I hereby verify that the attached papers are a true copy of prior application Serial No. 09/469,817 as originally filed on December 22, 1999.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

January 18, 2002

Date

Signature

John P. White, Reg. No. 28,678

       INVENTOR(S)

       ASSIGNEE OF COMPLETE INTEREST

  X   ATTORNEY OR AGENT OF RECORD

       FILED UNDER 37 C.F.R. §1.34(a)

Address of Signator:

Cooper & Dunham LLP

1185 Avenue of the Americas

New York, New York 10036

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Joseph R. Berger  
U.S. Serial No. : Not Yet Known  
Filed : Herewith  
For : A METHOD FOR AMELIORATING MUSCLE  
WEAKNESS/WASTING IN A PATIENT INFECTED  
WITH HUMAN IMMUNODEFICIENCY VIRUS-TYPE 1

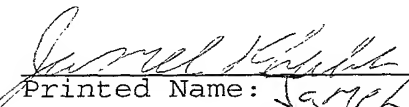
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January 18, 2002

Assistant Commissioner for Patents  
Washington, D.C. 20231  
Box: Patent Application

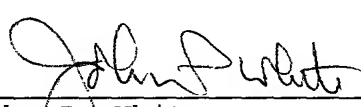
**EXPRESS MAIL CERTIFICATE OF MAILING**  
**FOR ABOVE-IDENTIFIED APPLICATION**

"Express Mail" mailing label number: EJ 700 080 175 US  
Date of Deposit: January 18, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents and Trademarks, Washington, D.C. 20231. Attn: Box Patent Application

  
Printed Name: Samuel K. Haskins

Respectfully submitted,

  
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